

## REMARKS

Applicants resubmit Amendment filed on June 11, 2003 in response to final Office Action dated March 11, 2003. However, the claims in the Amendment filed on June 11, 2003 are replaced with the claims submitted in this supplemental amendment. Upon entry of the present Amendment, claims 45-49, 53, 56, 58-62, 66, 69-74, 81, 84, 86-95, 99 and 102-110 will be pending. Claims 1-44, 50-52, 54, 55, 57, 63-65, 67, 68, 75-80, 82, 83, 85, 96-98, 100 and 101 are withdrawn from consideration and/or canceled. Support for amended claims 45 and 70 for reciting "said gp55 antigen binds to an antibody produced by the hybridoma cell line CCTCC-C200305, said gp95 antigen binds to an antibody produced by the hybridoma cell line CCTCC-C200306, and said gp210 antigen binds to an antibody produced by the hybridoma cell line CCTCC-C200307, respectively" can be found throughout the application and, *inter alia*, in Example 2 at page 24, line 19 through page 26, line 9 of the present specification. Claims 46-49, 56, 58, 66, 69, 74, 87, 89 and 99 are amended to conform with the amendments of claims 45 and 70 and/or for other formality reasons. The above-described amendments do not introduce any new matter into the present application.

Applicant respectfully requests that the Examiner enter and consider the amendments and remarks filed on June 11, 2003 in addition to the amendments and remarks in this supplemental amendment.

With respect to all claim amendments and cancellations, Applicant has not dedicated or abandoned any unclaimed subject matter and moreover has not acquiesced to any rejections and/or objections made by the Patent Office. Applicant reserves the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional application.

### **Rejections of claim format**

In the Advisory Action, the Examiner rejects claim format in the previous Amendment, stating that there is no clean version of the claims.

Applicant notes that claims have been resubmitted in the revised format. Applicant respectfully requests that the rejection be withdrawn.

#### **Rejections regarding deposit**

In the Advisory Action, the Examiner states that Applicant is required to provide evidence of deposit either under the Budapest Treaty and/or to satisfy criteria set forth in 37 C.F.R. §§ 1.801-1.809.

In response, Applicant submits a copy of hybridoma cell line deposit certificates (attached as Exhibit A) for the hybridoma cell lines CCTCC-C200305, CCTCC-C200306, CCTCC-C200307, and the certificates state that these hybridoma cell lines were deposited at China Center for Type Culture Collection at Wuhan University, Wuhan 430072, P.R. China on June 10, 2003. These deposits were made under Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, and the strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive. Also submitted with this supplemental amendment is a declaration pursuant to 37 C.F.R. § 1.809(b)(1) stating that the biological materials assigned CCTCC-C200305, CCTCC-C200306, CCTCC-C200307 are biological materials specifically identified in the present application and that the hybridoma cell lines will be irrevocably and without restriction or conditions released to the public upon issuance of a patent.

Therefore, the deposit of these three hybridoma cell lines that produce the antibodies in the claims satisfy the requirement under 37 C.F.R. §§ 1.801-1.809. Applicant respectfully requests that the rejection be withdrawn.

#### **Rejections of proposed claim 49**

In the Advisory Action, the Examiner states that the proposed claim 49 is improperly amended and deletions relative to prior version is not shown.

In response, Applicant resubmits claim 49 in this supplement amendment with changes as suggested by the Examiner. Applicant respectfully requests that the rejection be withdrawn.

**Rejections under 35 U.S.C. 112, second paragraph**

In the Advisory Action, the Examiner states that "patient mammal" in the proposed claim 53 lack antecedent basis.

Applicant notes that claim 45 in step (c), from which claim 53 depends, recites "providing a plurality of bispecific monoclonal antibodies, each of said antibodies comprising a binding site for a CD28, 4-1BB or CTLA-4 molecule on the surface of T cells in a patient mammal and a binding site for a gp55, gp95 or gp210 antigen". Thus, the phrase "patient mammal" in claim 53 has antecedent basis. Applicant respectfully requests that the rejection be withdrawn.

### CONCLUSION

Applicant has, by way of the amendments and remarks presented herein, made a sincere effort to overcome rejections and address all issues that were raised in the outstanding Office Action and the Advisory Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 532732000201.

Respectfully submitted,

Dated: Nov. 24, 2003

By: \_\_\_\_\_

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